

## **CALIFORNIA'S QUESTIONS REGARDING TARGET SETTING FOR SAFETY PERFORMANCE MANAGEMENT**

**Question:** Does FHWA's determination of meeting or making significant progress toward meeting performance targets apply only to States, or to both States and MPOs?

The met or made significant progress determination applies only to State DOT targets for the following safety performance measures: number of fatalities, rate of fatalities, number of serious injuries, rate of serious injuries and the number of non-motorized fatalities and non-motorized serious injuries

**Question:** Most FHWA hypotheticals (see attached "FHWA Target Assessment Significant Progress Determination Slide") assume a situation where a State or MPO sets its performance targets lower than its baseline performance (or the performance target is "better" than baseline performance, e.g., the performance target for Number of Fatalities is lower than the baseline performance). Can a State or MPO set a performance target that is higher than the baseline performance?

The Safety Performance Management regulation allows for a State and MPO to set any numerical target the State and MPO deems appropriate, even an increasing target. Targets should be data-driven, realistic and achievable.

**Question:** In a situation where a State or MPO has set a performance target higher than baseline performance, if a State's or MPO's actual performance is better than its performance targets (I believe four out of five), but worse than the baseline performance, will the State or MPO have met or made significant progress toward meeting its targets?

Met or made significant progress applies to a State DOT targets only. If actual performance for a performance measure is equal to or less than the target, the target has been met. If a target is met, FHWA does not look at baseline performance.

**Question:** How will FHWA evaluate/assess whether MPOs have met or made significant progress toward meeting their safety targets?

As part of oversight of the planning process, FHWA will review how MPOs are addressing their targets or assisting the State in addressing its targets during TMA Certification Reviews, when FHWA reviews the TIPs and STIPs. FHWA will also review how MPO targets are achieved during the Federal Planning Finding associated with the approval of the STIP.

**Question:** What specific actions will FHWA take if MPOs have not met or made significant progress toward meeting their safety targets?

Met or made significant progress determination applies to State DOTs not MPOs.

**Question:** Will FHWA hold States accountable for not meeting or making significant progress toward meeting their optional urbanized area or non-urbanized area safety targets?

The optional urbanized area(s) and non-urbanized area targets are not included in the assessment of whether a State has met or made significant progress toward meeting its safety targets.

If a State elects to establish optional urbanized area targets and/or an optional non-urbanized area target, the choice to do so will not be a factor in the significant progress determination.

**Question:** Does FHWA need to approve (or formally accept) State or MPO performance targets? If so, what criteria would FHWA use to approve or accept (or alternatively to not approve or accept) State or MPO performance targets?

FHWA does not approve State DOT or MPO targets. States and MPOs have the flexibility to establish targets they deem most appropriate. The State DOT reports their targets to FHWA in the HSIP report. MPO targets are reported to the State DOT and made available to FHWA, upon request.

**Question:** Would you please provide a list of documents that States and MPOs must include performance targets in and the deadlines for performance targets to be incorporated in these documents?

The 2018 – 2019 HSIP Safety Performance Targets Timeline includes deadlines and documents where safety targets must be incorporated in <http://safety.fhwa.dot.gov/hsip/spm/timeline.cfm>

**Questions for Caltrans (Posed by SANDAG)-These questions were directed to Caltrans, FHWA has provided responses as if FHWA was being asked the questions below:**

**Question:** How will Caltrans apply the tools referenced in the final rule (e.g. FARS) to carry out the five safety targets?

FHWA does not specify any data source that must be used by a State or MPO when establishing safety targets. The data sources listed in the final rule will be used by FHWA to evaluate whether each State met or made significant progress toward meeting safety targets.

**Question:** How will Caltrans derive the VMT values that are a factor in all safety targets?

FHWA will use VMT data from the Highway Performance Management System (HPMS) when determining whether a State met or made significant progress toward meeting its targets. If an MPO decides to establish numerical targets for the rate of fatalities or rate of serious injuries performance measures, the MPO must report the VMT estimate used for such targets and the methodology used to develop the estimate.

**Question:** The regulations seem to incentivize setting the target higher than the last data point on the five year rolling average. It appears that if you set your target higher than the last data point and meet or beat your target, you do not run the risk of having to redirect HSIP funds and develop a plan to meet the targets. However, if you set your target below the last five year rolling average data point, the target become irrelevant as the penalty would be based on the last data point instead of your target. If this is correct, after analyzing all of the relevant data and anticipated projections, why would the risk of penalty be increased for a bold target below the baseline?

FHWA expects that the safety performance measures will help State DOTs and MPOs make investment decisions that will result in the greatest possible reduction in fatalities and serious injuries. While States and MPOs should establish the targets they deem appropriate, the performance measures system is an

important step in measuring and holding accountable transportation agencies as they work toward the goal of significantly reducing traffic fatalities and serious injuries on all public roads.

The regulation requires States and MPOs to establish targets and, consistent with the authorizing statute, holds States accountable for not meeting those targets. The authorizing statute, however, also allows FHWA to determine whether a State has “made significant progress toward meeting” targets. After careful consideration of the public comment on the proposed rulemaking, FHWA included in the final regulation the option for States that do not meet a target to be considered as having made significant progress if the outcome for that performance measure is better than the State's performance for the year prior to the year in which target was established (*i.e.*, baseline safety performance). This option acknowledges States that have achieved safety improvement, even if the target was not met. For States where safety performance trends are decreasing, this option encourages States to establish aggressive targets.

**Question:** If the SHSP targets were developed previously and the new data shows a clear trend that those targets will not be met, can the annual agreed upon performance measures in the HSP and HSIP then differ from the SHSP and not correlate?

The safety performance measures must be consistent across the SHSP and HSIP/HSP, but not the targets as the time periods are different, *i.e.*, 5 years for the SHSP versus 1 year for the HSIP/HSP. It is our hope that agencies that participate in setting the SHSP targets are the same that participate in setting the HSIP/HSP annual targets. In California we are doing this. The state can also use the same methodology for setting the annual targets as was used in setting the SHSP targets. This may or may not be helpful or even possible. What California has done to date with target setting is in compliance with the final rules.